



M O N T A N A  
C O A L I T I O N   A G A I N S T  
D O M E S T I C   A N D   S E X U A L  
V I O L E N C E

TO: Senate Judiciary Committee  
FROM: Kelsen Young, Executive Director  
Montana Coalition Against Domestic and Sexual Violence  
DATE: February 6<sup>th</sup>, 2007  
RE: SB 389 - Clarify peace officer arrest of alien violating federal immigration law

SENATE JUDICIARY  
Exhibit No. 7  
Date 2-6-07  
Bill No. SB 389

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Good morning, Mr. Chairman and members of the committee. My name is Kelsen Young and I am the Executive Director of the Montana Coalition Against Domestic and Sexual Violence. I am here to urge you to vote "no" on SB 389 as it has the potential to harm victims of domestic violence in Montana who are immigrants.

SB 389 encourages law enforcement to be responsible for actively enforcing federal criminal immigration laws. MCADSV believes that Montana law enforcement already effectively enforce state laws. However, enforcing a federal law like that proposed by SB 389 places too great a burden on law enforcement. Especially in regions of Montana that do not have the resources or the capacity to enforce the "reasonable suspicion" criterion established by this bill. This condition is open to loose interpretation and is problematic as it opens the door to civil rights lawsuits that Montana's law enforcement may fall prey to further down the road. Furthermore, if our state law enforcement is spending time enforcing federal immigration law, less time is spent protecting Montanans from domestic and sexual violence offenders within their communities that are a greater threat to the public.

In addition, immigrant women suffer higher rates of abuse because they may come from cultures that accept the abuse or because they have less access to services than U.S. citizens. The abuse is often unreported and thus these victims of domestic violence have a harder time escaping the abuse. Language barriers prevent immigrants from knowing what services are out there to help them escape and what financial or even food assistance is available—it is even very unlikely that they will have an interpreter in court. SB 389 offers no protection for these victims, or any immigrants for that matter, who may be pulled over on "reasonable suspicion" and are unable to communicate with the officer, thus placing them at risk of arrest even though they are legal citizens.

SB 389 is particularly dangerous for immigrant victims of domestic violence because they are often afraid to report abuse because they do not think they can, or they think they will be arrested due to their immigration status. Batterers often use their partner's immigration status as a tool to control their partner, forcing them to stay in the relationship.

Montana must do all it can to protect domestic violence victims regardless of their immigration or legal status in this country. No one should have to choose between staying in an abusive relationship or risk arrest and/or deportation. SB 389 will only escalate the fear of law enforcement by immigrants and reinforces the batterers control over his victim.

SB 389 would limit our law enforcement's ability to protect all victims of domestic violence. I encourage you not to pass this bill and allow Montana law enforcement to continue to serve and protect their communities, not take away their ability to do so for those who need it most. Thank you.

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